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Motel ordinance sent back to committee

By Peggy Roberts (published: March 22, 2007)

SCARBOROUGH – A proposed zoning amendment governing change of ownership of guest rooms in nonconforming hotels was sent back to the ordinance committee Wednesday for further clarification.

Although only one member of the public spoke at Wednesday’s Town Council public hearing, council Chairman Jeffrey Messer said “this item has been generating a lot of interest.”

Messer added there would be a second public hearing after the ordinance comes back to the council.

Under the ordinance, if units in a nonconforming hotel or motel change to individual ownership it would change the nonconforming use and not be allowed without certain restrictions or without going through an appeal for a change in nonconforming use.

The term nonconforming means the property does not meet the area’s zoning requirements. The restrictions would include having rooms available to the general public for at least 180 days, maintaining a staffed office, a central telephone switchboard and a mail delivery system, housekeeping, and prohibiting the addition of kitchens or the expansion of existing rooms.

During the hearing, Judy Shirk, of Avenue 3 in Pine Point, read a statement on behalf of the Pine Point Residents Group. Saying that in some instances, converting a nonconforming hotel into condominiums might “enhance the neighborhood,” she added that it could serve to be detrimental and create a property that is “even more nonconforming.”

She asked the council to have the Ordinance Committee examine the impact these conversions would have on traffic and parking in the community.

“We need to have an ordinance that will set clear and specific standards and establish guidelines that govern which of these nonconforming businesses would be eligible to become more conforming through a conversion to condominiums and which would not. One size does not fit all,” she said.

Although Shirk was the only one who came to the podium, the council had received two opinions by letter, as well. One was from Pine Point resident John Thurlow, who recommended further study by the committee.

In the second letter, David and Cheryl Aranovitch, owners of The Dunes, which consists of seven cottages and three apartments, asked the members of the council to consider allowing properties with 12 units or less that already contain kitchens and that have a 20-year history of mostly residential use to be converted into condominiums without appeal. In the letter, they cited Rest Point, Pine Point Court, The Mooring and Sea Crest Cottages as similar properties that converted to condominiums, adding that “they create no additional impact on public safety resources, traffic, parking, the character of Pine Point, etc.”

The Aranoviches, who have been trying to convince the town to approve their plan to sell their units as condominiums, said that a “fair and well-crafted zoning provision” would have made their ordeal easier.

In an interview last week, Scarborough Code Enforcement Officer Dave Grysk said about a dozen nonconforming inns and motels exist in the town. Of these, several have inquired about converting. With some that sit on less than an acre of land, if they were converted to condominiums, there could be 10 or more units on an acre. And suddenly, the relatively small parking lots would be required to hold two cars per unit.

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At the same time, Grysk said he understood why more people want to convert.

"The people who own them are getting up in age – they want to retire and not many people want to buy them (the motels)," he said. "Now they're saying, 'What's the most I can get out of them?'"

Town Manager Ron Owens acknowledged last week that enforcing the 180-day rule would be difficult but failing to enforce it would have potentially harmful consequences for the town with the sudden increase of residents demanding town services.

When asked if the Lighthouse Inn at Pine Point precipitated the ordinance amendment, Owens said the 22-unit motel was "the primary motivator" but added there have been several others who have recently pursued conversions.

About two years ago, the Inn's owners, Peter and Nick Truman, sought to convert the 22-unit motel into six condominiums but were met with strong opposition from the Pine Point Residents Group, who asserted the change would alter the neighborhood's character. Although a five-unit plan, "Plan D," was eventually accepted by the residents' group, the Truman's subsequently withdrew the plan and have since sought an attorney to pursue selling off individual rooms to the general public. Peter Truman attended Wednesday's meeting but did not speak.

Nonconforming lodging in Scarborough includes the Black Point Inn, Breakers Inn, Downeaster Motel, The Dunes, Higgins Beach Inn, Holiday House Inn and Motel, Lighthouse Inn at Pine Point, Pine Point Place, Pride Motel and Cottages, Sea Ranch Cottages, Sea-Ward on the Ocean Front and the Sun N Sand Motel.

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